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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Kevin R. Tortorella
SSN: xxx-xx-9974

Debtor

Chapter 13
Case No.17-11821-FJB

TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Chapter 13 Plan, (the "Plan"), and for reasons states as follows:

1. The Debtor's petition was filed on May 16, 2017. On June 12, 2017, the Debtor filed a Plan. On June 28, 2017, the Trustee convened the §341 meeting of creditors at which the Debtor was present with counsel.
2. The Trustee cannot recommend the Plan for confirmation.
3. Pursuant to the Debtor's Chapter 13 Calculation of Your Disposable Income Form 122C-2, the Debtor is an above median income Debtor and is consequently obligated to an Applicable Commitment Period of no less than 60 Months. The Debtor is proposing a 36 month Plan term.
4. Further, the Debtor's Form 122C2 states on line 45 that the Debtor has the amount of \$2,502.84 available per month to devote to payment to unsecured creditors. Over the course of the applicable commitment period of 60 months, the total to be paid to the Debtor's unsecured creditors should be \$150,170.40. The Debtor's Plan proposes to pay a dividend of 3.34% to the total of \$360,606.19 of unsecured claims, or \$12,056.60.
5. Further, the Debtor's spouse's income is not properly listed on Schedule I.
6. Finally, the Plan proposes to modify the secured claims of Paul and Susan Linehan and Timepayment Corporation, but fails to provide details on the treatment of the claims. The Trustee cannot determine if the Plan meets the best efforts test of 11 U.S.C. §1325 (b)(1)(B).

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and for such other relief as is proper.

Dated: June 29, 2017

Respectfully submitted,
Carolyn A. Bankowski
Standing Chapter 13 Trustee
/s/ Carolyn A. Bankowski
Carolyn A. Bankowski BBO# 631056
Patricia A. Remer BBO# 639594
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Certificate of Service

The undersigned hereby certifies that on the date below a copy of the Trustee's Objection to Debtor's Chapter 13 Plan was served via first class mail, postage prepaid on the Debtors and Debtors' counsel at the addresses set forth below or by electronic notice.

Date: June 29, 2017

/s/ Carolyn A. Bankowski
Carolyn A. Bankowski

Kevin R. Tortorella
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